REMARKS

Applicants have carefully reviewed and considered the Office Action dated August 21, 2009, and the reference applied therein. In response, applicants have amended claims 1 and 9 to patentably define the invention. Applicants respectfully submit that no new matter has been added by way of these amendments. Applicants believe that the application is in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

The pending claims 1-12 and 41-45 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, it is asserted that in claims 1 and 9 it is unclear whether the premium calculation step lies within the metes and bounds of the invention, and it is unclear how in claim 1 the method provides "assurance." Claims 2-8 and 41-45 depend from claim 1 and stand rejected under Section 112 through that relationship. Claims 10-12 depend from claim 9 and stand rejected under Section 112 through that relationship.

Applicants respectfully traverse the indefiniteness rejections. Amended claims 1 and 9 each positively recite a calculating step. In addition, claim 1 has been amended to remove the word "assurance" and to improve the form of the preamble to make clear that the claimed method provides an insurance policy.

Accordingly, applicants respectfully request the withdrawal of the rejection of claims 1 and 9 under Section 112. The Section 112 rejections of the claims respectively depending from claims 1 and 9 should also be withdrawn as the rejections are solely based on their dependency to a claim rejected under Section 112, which has been traversed.

Claims 1-12 and 41-45 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants respectfully traverse the Section 101 rejections.

Amended claims 1 and 9 positively and actively recite a calculating step that uses a particular machine, namely a "central processing computer." Therefore, amended claims 1 and 9 recite statutory subject matter under Section 101. Claims depending from one of independent claims 1 or 9 similarly recite statutory subject matter by virtue of their dependency on claims 1 or 9.

Claims 1-12 and 41-45 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/0042763 to Pillay et al. Applicants respectfully traverse the anticipation rejections.

With respect to amended claim 1, it is respectfully submitted that Pillay fails to anticipate amended claim 1. In particular, the applied reference fails to disclose a method for providing insurance for losses caused by the misidentification or misrepresentation of the *identity of a trading counterpart* in an online marketplace transaction to a user having the combination of features described in amended claim 1. For example, Pillay fails to disclose a method including the step of calculating, using a central processing computer, a monetary premium for the insurance based upon risk assessment information accessed through the central processing computer relating to *losses associated with the misidentification or misrepresentation of the identity of said trading counterpart.*
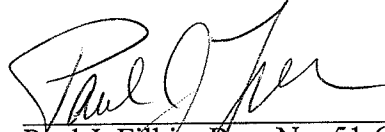
Accordingly, amended claim 1 is patentably distinguishable over Pillay. Claims 2-8 and 41-45 depend from claim 1 and, thus, contain the same patentable features thereof.

With respect to amended claim 9, it is respectfully submitted that Pillay fails to anticipate amended claim 9. In particular, the applied reference fails to disclose a method for providing insurance to a user for losses caused by the misidentification or misrepresentation of the identity of a trading counterpart in an online marketplace transaction or the financial inability of said trading counterpart to enter and complete said transaction having the combination of features described in amended claim 9. For example, Pillay fails to disclose a method including the step of calculating, using a central processing computer, a monetary premium based upon risk assessment information accessed through the central processing computer relating to losses associated with the misidentification or misrepresentation of the identity of said trading counterpart and to losses associated with the financial inability of said trading counterpart to enter and complete said transaction.

Accordingly, amended claim 9 is patentably distinguishable over Pillay. Claims 10-12 depend from claim 9 and, thus, contain the same patentable features thereof.

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

Paul J. Filbin, Reg. No. 51,677
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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